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July 15, 2022

VIA ECF

Hon. Judge Denise Cote
United States District Court
Southern District of New York
500 Pearl St., Courtroom 18B
New York, NY 10007-1312

Re: Pioneer GP Limited et al v. Valdez et al; Case No. 1:22-cv-00373-DLC

Dear Judge Cote:

This firm represents Plaintiffs, Pioneer GP Limited and Champlain Investment Holdings Limited ("Plaintiffs") in the above-referenced action. Pursuant to Rule 1(E) of Your Honor's Individual Rules & Practices, Plaintiffs respectfully submit this letter motion requesting an adjournment of the initial pre-trial conference set for July 29, 2022 at 2:00pm (ECF No. 13) because the defendants reside abroad and service under the Hague Convention is ongoing.

Plaintiffs commenced this action filing a Complaint on January 14, 2022. A Summons was issued on February 1, 2022. Plaintiffs are now requesting an adjournment to allow for additional time for service of the Summons and Complaint upon defendant Jason Sweeney ("Defendant Sweeney") in Ireland and upon defendant Daria Valdez ("Defendant Valdez") in the Commonwealth of the Bahamas. Good cause for this adjournment exists, as demonstrated below by Plaintiffs ongoing extensive efforts to serve Defendant Sweeney and Defendant Valdez.

This is Plaintiffs second request for an adjournment. Defendants have not consented to this request.

Service on Defendant Sweeney

Defendant Sweeney resides in the country of Ireland, and service must be effectuated in accordance with the Hague Convention. Plaintiffs efforts to serve Defendant Sweeney in Ireland began January 31, 2022 and are ongoing. Despite Plaintiffs' extensive efforts, Plaintiffs have not received confirmation from the Irish Judicial System that Defendant Sweeney has been served in compliance with the Federal Rules of Civil Procedure, Hague Convention and laws of Ireland. Plaintiffs have been advised this process can take as long as 12 months.

Since the previous adjournment, Plaintiffs have engaged with local counsel in Ireland in an effort to serve Defendant Sweeney. This process is ongoing and Plaintiffs will file the requisite affidavit of service once service is effectuated on Defendant Sweeney.



Service on Defendant Valdez

Additionally, Plaintiffs' have been working on serving Defendant Valdez in the Commonwealth of the Bahamas. After initial attempts were believed to be successful, local counsel in the Bahamas was verbally informed by local counsel that service was made on Defendant Valdez's housekeeper and not personally on Defendant Valdez. Plaintiffs have subsequently been informed that Valdez is no longer in the Bahamas.

Since the previous adjournment, Plaintiffs have continued to investigate Defendant Valdez's location and continue to inquire on the status of service on Defendant Valdez and will file the requisite affidavit of service once service is confirmed on Defendant Valdez.

Should further efforts to personally serve Defendant Valdez fail, Plaintiffs intend to move this Court for an Order pursuant to Fed. R. Civ. P. 4(f)(3) authorizing service via the processes identified in either CPLR § 308 (2) or Fed R. Civ. P. 4(e)(2)(B).

Conclusion

As set forth above, Plaintiffs efforts to serve Defendants Sweeney and Valdez are ongoing in foreign jurisdictions. Because service has not been completed, Plaintiffs are requesting an additional adjournment of the initial pre-trial conference set for July 29, 2022 at 2:00pm. Plaintiff's propose the initial pre-trial conference is adjourned for 90 days at this time and propose the following dates:

- November 4, 2022
- November 11, 2022.

We thank the Court for its attention in this matter.

The plaintiffs shall describe in greater detail their efforts to serve the defendants since January. That report is due July 27.
Monica Cote
7/15/22

Respectfully submitted,

Ropers Majeski PC

S/ Michael W. Jacobson /

Michael W. Jacobson

MWJ/ja